

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER NO.209 OF 2023  
WITH  
INTERIM APPLICATION NO.2575 OF 2023**

Babanrao Sakharam Dherange ... Appellant  
versus  
The Municipal Corporation of Gr. Bombay and Anr. ... Respondents

Mr. Nitesh V. Bhutekar with Ms. Gargi Warunjikar for Appellant.  
Ms. Smita Tondwalkar for MCGM.  
Mr. Tiyyesh Zodge, Jr. Engineer, N Ward Present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 24 MARCH 2023**

**P.C.**

1. Heard the learned Counsel for the parties.
2. The challenge in this appeal is to an order dated 18 March 2023 in an unregistered Notice of Motion (ST) No.3258 of 2023 whereby the learned Ad-Hoc Judge, City Civil Court refused to grant ad-interim relief. One of the reasons which weighed the learned Judge was that there is no immediate threat of demolition as a speaking order is yet not passed.
3. The learned Counsel for the Appellant submitted that the Appellant apprehends that the action may follow immediately after passing of the speaking order without providing any opportunity to the Appellant to seek redressal.
4. The learned Counsel for the Respondent-Corporation, on instructions of

the officer who is present in Court, submits that the Corporation follows the practice of giving a week's time to the affected parties after passing a speaking order and, in the instant case also, the Corporation would adhere to the same practice of giving a week's time in the event a speaking order is passed against the Appellant/Plaintiff.

5. In view of the aforesaid statement, the Appeal stands disposed.

6. In view of the disposal of the Appeal, Interim Application also stands disposed.

**( N.J.JAMADAR, J. )**